



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,672	03/18/2004	Timothy G. Offerle	81095824FGT1906	2671

28549 7590 01/31/2005

KEVIN G. MIERZWA  
ARTZ & ARTZ, P.C.  
28333 TELEGRAPH ROAD, SUITE 250  
SOUTHFIELD, MI 48034

EXAMINER

WILLIAMS, THOMAS J

ART UNIT	PAPER NUMBER
----------	--------------

3683

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/708,672

**Applicant(s)**

OFFERLE, TIMOTHY G.

**Examiner**

Thomas J. Williams

**Art Unit**

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/18/04; 6/14/04</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

### **DETAILED ACTION**

1. Acknowledgment is made in the receipt of the oath and information disclosure statement filed March 18, 2004, and the information disclosure statement filed June 14, 2004.

#### ***Information Disclosure Statement***

2. The information disclosure statement filed June 14, 2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

References A, B and C have not been provided with translations. Reference D (GB 2188012) has been considered.

#### ***Specification***

3. The disclosure is objected to because of the following informalities: the attorney docket numbers for the related US applications cited on pages 1-2 should be replaced with the appropriate filing serial number.

Appropriate correction is required.

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Drawings***

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "171" and "172" have both been used to designate the trailer hitch, see figures 5, 5A and 5B. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-7, 9-14, 16, and 18-37 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,324,458 to Takagi et al.

Re-claims 1 and 22, Takagi et al. discloses a vehicle and method for controlling an automotive vehicle comprising: determining a forward direction; determining a reverse direction; a controller for applying a brake-steer in response to the forward direction signal as a function of a first threshold; and for applying a brake-steer in response to the reverse direction signal as a

Art Unit: 3683

function of a second threshold different from the first threshold, see abstract and column 6 lines 1-42, note that  $V_{rp}$  (forward direction) is greater than  $V_{rq}$  (reverse direction).

Re-claims 2-4, 9-11, 30-32 and 34-36, the vehicle direction is determined by a shift position switch, see column 5 lines 43-47. Shift position switches or levers have push buttons and are linked to the transmission controller.

Re-claims 5, 12, 33 and 37, Takagi et al. discloses that the vehicle speed information  $V$ ,  $V_{wi}$  depends upon vehicle direction, see column 6 lines 7-10.

Re-claims 6, 13, 23 and 24, Takagi et al. discloses that the brake system is controlled when applying the brake-steer in response to the forward or reverse direction, thus reducing a vehicle turning radius.

Re-claims 7, 14 and 25, Takagi et al. discloses that the engine, and subsequently drive torque, is controlled when applying the brake-steer in response to the forward or reverse direction.

Re-claim 16, the second threshold is less than the first threshold, see column 6 lines 40, 51, 62 etc.

Re-claims 18 and 26, a steering wheel angle  $\theta$  (column 8 line 36) is part of the calculations in steps 80 and 100, see column 8 lines 34-58.

Re-claims 19 and 27, see column 6 lines 43-52.

Re-claims 20 and 28, see column 8 lines 35-37.

Re-claims 21 and 29, see column 6 lines 30-42.

8. Claims 1-4, 8-11, 15-17, 20, 22, 28, 30-32 and 34-36 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,131,693 to Mukai et al.

Art Unit: 3683

Re-claims 1, 16, 17 and 22, Mukai et al. discloses a vehicle and method for controlling an automotive vehicle comprising: determining a forward direction; determining a reverse direction; a controller for applying a brake-steer in response to the forward direction signal as a function of a first threshold; and for applying a brake-steer in response to the reverse direction signal as a function of a second threshold different from the first threshold, see column 6 lines 1-12. The velocity values are interpreted as the threshold values, wherein the velocity values (either – or +) for the second threshold will be both less than the first threshold value (when going in reverse with a decelerated velocity) and greater than (when going in reverse with accelerated velocity) the first threshold value.

Re-claims 2-4, 9-11, 30-32 and 34-36, the vehicle direction is determined by a shift position switch, see column 9 lines 38-44. Shift position switches or levers have push buttons and are linked to the transmission controller.

Re-claims 8 and 15, see column 6 lines 24-29.

Re-claims 20 and 28, see column 6 lines 24-38.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bergh, Yasuno, and Kimbrough et al. teach a brake steer applied in response to forward and reverse signals.

10. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346 (after April 2005 the new telephone number will be 571-272-7128). The examiner can normally

Art Unit: 3683

be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bucci, can be reached at (703) 308-3668 (after April 2005 the new telephone number will be 571-272-7099). The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

TJW

January 26, 2005

THOMAS WILLIAMS  
PATENT EXAMINER

THOMAS WILLIAMS  
PATENT EXAMINER

Thomas Williams  
AU 3683  
1-26-05